

ASSEMBLY BILL

No. 1107

Introduced by Assembly Member Berg

February 22, 2005

An act to amend Section 42291 of the Education Code, relating to school transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1107, as introduced, Berg. Small school district transportation.

Existing law permits certain small school districts and county offices of education to apply for apportionments for transportation equipment. Existing law sets certain priorities relating to the consideration of these applications by State Department of Education.

This bill would set additional priorities relating to the replacement or reconditioning of schoolbuses owned by a school district or county office of education that were manufactured prior to January 1, 1987.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 42291 of the Education Code is
2 amended to read:
3 42291. (a) ~~The State Department of Education~~ *department*
4 shall grant applications for apportionments for purposes of this
5 article, to the extent that funds are available, according to the
6 following priorities:
7 (1) First priority for apportionments shall be for the purchase
8 of new schoolbuses to replace existing schoolbuses owned by an

1 eligible *school* district or county office *of education* that do not
2 conform to federal safety standards.

3 (2) Second priority for apportionments shall be for the
4 reconditioning of existing schoolbuses owned by an eligible
5 *school* district or county office *of education*. For purposes of this
6 paragraph, “reconditioning” includes, but is not limited to,
7 retrofitting schoolbuses to conform to the federal Motor Vehicle
8 Safety Standard 222 relating to schoolbus passenger seating and
9 crash protection requirements.

10 (3) *Third priority for apportionments shall be for the purchase*
11 *of new schoolbuses to replace existing schoolbuses owned by a*
12 *school district or county office of education that were*
13 *manufactured prior to January 1, 1987.*

14 (4) *Fourth priority for apportionments shall be for the*
15 *reconditioning of existing schoolbuses owned by a school district*
16 *or county office of education that were manufactured prior to*
17 *January 1, 1987.*

18 ~~(3)~~

19 (5) Any remaining funds shall be apportioned for the purchase
20 of new schoolbuses by eligible *school* districts and county offices
21 ~~which~~ *of education* that have proposed to increase the number of
22 schoolbuses owned by the district or county office.

23 (b) The governing board of any school district or county office
24 of education with an average attendance of less than 2,501 in the
25 current fiscal year ~~shall be~~ *is* eligible to receive apportionments
26 under this section for the replacement of schoolbuses with new
27 schoolbuses.

28 ~~(c) The State Department of Education~~ *department* shall
29 develop priority categories for funding under this section which
30 are based solely on vehicle age and mileage. Seventy-five
31 percent of the funds available in any fiscal year for the purposes
32 of this section shall be distributed to school districts and county
33 offices of education based upon priority categories which utilize
34 only vehicle age, mileage, and type of vehicle. Twenty-five
35 percent of the funds available in any fiscal year for purposes of
36 this section shall be allocated based upon the condition of the
37 vehicles to be replaced. School districts and county offices of
38 education shall submit as evidence of the condition of the vehicle
39 to be replaced, the most recent California Highway Patrol
40 inspection report, a repair estimate made by an independent

1 repair shop, and any other information requested by the
2 department.

3 (d) ~~The State Department of Education~~ *department* shall
4 estimate the cost of a replacement vehicle of the same capacity as
5 the vehicle being replaced. A school district's or county office of
6 education's entitlement shall equal the department's estimated
7 cost. A *school* district or county office *of education* may use
8 additional ~~district or county office~~ funds to purchase a schoolbus
9 ~~which~~ *that* is more expensive than the model used by the
10 department to estimate the cost.

11 (e) Funds allocated pursuant to this section shall not be used to
12 purchase a vehicle ~~which~~ *that* does not meet the schoolbus
13 passenger seating and crash protection requirements of the
14 federal Motor Vehicle Safety Standard 222.